



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 17, 1998

Mr. Tommy W. Lueders II  
Assistant City Attorney  
Office of the City Attorney  
City of Midland  
P.O. Box 1152  
Midland, Texas 79702

OR98-2743

Dear Mr. Lueders:

You have asked whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 121696.

You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code. Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Based upon your representation that this investigation concluded in some result other than a conviction or deferred adjudication, we agree that section 552.108(a)(2) is applicable.

However section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App. --Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense and arrest information, the department may withhold the requested information from disclosure based on section 552.108(a)(2).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue

under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Kay Hastings".

Kay Hastings  
Assistant Attorney General  
Open Records Division

KHG/nc

Ref.: ID# 121696

Enclosures: Submitted documents

cc: Ms. Jill Howbert  
3321 Neely D-2  
Midland, Texas 79707  
(w/o enclosures)